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US DISTRICT COURT E.D.N.Y.

★ JAN 24 2014 ★

BROOKLYN OFFICE

January 16, 2014

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Dear Honorable John Gleeson,

I am writing to you in an effort to explain, to say we are very sorry, to ask for forgiveness and let you know we are doing everything we've been instructed to abide by your wishes in the matter relating to claim-filing services.

I've been in communication with Alexandra Bernay of Robbins Geller Rudman and Dowd LLP and immediately upon their first notice to us met all request made including deleting an overlooked old blog post that previously told the MCAG story (according to Google Analytics, this post only had 16 views between Sept 19<sup>th</sup> and when Alexandra pointed out the oversight - some of which were likely not merchants but Counsel - so as you can see our reach is small). I thank Alexandra for the kindness to pass this letter along to you.

Vantage is a small company and we have always tried to do the right thing by our merchants and I assure you that it was never our intent to mislead anyone. I have many emails between myself and Global Payments about the MCAG program asking them for assurances as they were strongly encouraging us to sign up and participate with the MCAG program. I also have a PDF from MCAG that we originally relied upon as our first introduction on the settlement recovery topic.

I'm very sorry for any trouble we may have caused by repeating the MCAG message. Please know that we did send statement messages to all our clients retracting the MCAG story line as soon as we learned from Global Payments to do so. This was the same statement message that Global Payments told us was approved to run. This is our web page today on the topic: <http://www.vantagecard.com/settlement-recovery-services>.

Subsequent to the fiasco cause to us by the Global/MCAG issue, we were contacted by Manor Capital who we again in good faith contracted with to be a replacement for MCAG because Manor Capital said unlike MCAG they were opt in only and would be able to help our merchant clients. As I understand it, Alexandra and Manor Capital have communicated and they are okay. However, if it helps the situation at all we are more than happy to end our involvement with Manor Capital as well. We are a small family business wanting to do whatever we can to satisfy the court that our intentions are good. We would like to know if there is anything we can do, any actions we can take, to withdrawal completely from any involvement in this issue?

Again, please accept our apology and I hope you understand we are just a small company caught up in the misinformation provided to us. And we are willing to cooperate in any way to clear this up and do what we can do to please the court at this point so as to make everything right and avoid any further legal plight.

Sincerely,

*Ty Hardison*

Ty Hardison  
Vantage Card Services  
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**Ty Hardison**

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**From:** Louis Teplis [Louis.Teplis@manorcap.com]  
**Sent:** Friday, January 17, 2014 1:52 PM  
**To:** 'Xan Bernay'; 'Carmen Medici'  
**Cc:** 'Jana Kusy'; Ty Hardison  
**Subject:** Manor Capital Recovery - Please confirm receipt of this email  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Xan -

I am writing to follow up on our call Wednesday regarding the letter concerning an evidentiary hearing. I have been unable to meet and confer and secure counsel, but I do plan to fully cooperate. We have calls in to a potential counsel. I would greatly appreciate it if you could please pass on this status message to the Judge, as well as the remainder of class counsel and, if possible, include me on these updates or provide me a copy. Also, my understanding is the letter of December 12, 2013 includes all of class counsel's issues in question here and references a page on Vantage Card Services' blog, [www.merchantrates.com](http://www.merchantrates.com). According to Ty Hardison at Vantage the language highlighted by you in the December 12 letter was content earlier provided to Vantage by MCAG and Global Payments. Vantage originally participated in MCAG and Global's marketing program that was later shut down by the Court. Ty mentioned the blog page was inadvertently left online after ending Vantage's relationship with MCAG and Global Payments. The blog page was immediately deleted by Vantage as soon as it was brought to Vantage's attention by class counsel.

I understand you communicated with Ty on Thursday and, as such, I am hopeful class counsel has cleared up some questions about Manor Capital Recovery's potential role in the issues referenced in the December 12 letter. Since it seems clear that Manor Capital Recovery did not knowingly or intentionally mislead, I was hoping to avoid the time and expense of traveling to New York and hiring counsel for what may now be best and most efficiently resolved between Manor Capital Recovery and class counsel.

I would like to again share the actions taken by Vantage and MCR, of which we feel we have followed every request of the court:

- The Vantage blog was immediately taken down
- MCR materials were updated with the specific language from your letter
- I emailed you the examples you requested
- In addition and what we believe is going beyond what the court has requested, we have added the courts language in 3 places on all of our portals (1. FAQs as shown to you on our first call; 2. Our terms and conditions; 3. The merchant has to read the courts approved language one more time prior to agreeing to the terms and conditions.) Please click [here](http://www.manorcapitalrecovery.com/automatedmerchant/CSS_inline_ABS04.html) to view an example of our html email file. This file will be uploaded by a referral partner and emailed to their clients. The file is live for your viewing so that you can click through to go to our portal:

[http://www.manorcapitalrecovery.com/automatedmerchant/CSS\\_inline\\_ABS04.html](http://www.manorcapitalrecovery.com/automatedmerchant/CSS_inline_ABS04.html)

I would greatly appreciate the opportunity to speak to class counsel about potential remedies and corrective measures that can be worked out, especially given the now clearer picture of the issues in the December 12 letter. Also, In order to fully discuss these issues with a potential counsel can you please let me know if there are other concerns class counsel has with Manor Capital Recovery, aside from the above issues with Vantage?

I sincerely appreciate all of your help in this matter. I understand the pressures you and the courts are dealing with to ensure and protect the interests of merchants. Please know that our goals have always been and will

continue to be in complete compliance with the requirements of the court.

Best,

LT

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